

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:23-CR-00046-3-JRG-CRW
)
CURTIS LEE MALONE)

ORDER

This matter is before the Court on United States Magistrate Judge Cynthia R. Wyrick's Report and Recommendation [Doc. 65]. Judge Wyrick recommends the Court accept Defendant's plea of guilty to a lesser included offense of Count One (conspiracy to distribute 5 grams or more of methamphetamine) and Count Ten of the Indictment [Doc. 3] and adjudge Defendant guilty of those charges. Neither party has timely objected to the report and recommendation. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b).

Having reviewed the record, the Court agrees with Judge Wyrick's recommendation. The Court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Criminal Procedure 59(b). For the reasons in the report and recommendation, which the Court adopts and incorporates into this Order, the Court **ACCEPTS** Defendant's guilty plea, and Defendant is hereby **ADJUDGED** guilty of the lesser included charge of Count One and the charge in Count Ten of the Indictment. The Court will defer a decision as to whether to accept or reject the Plea Agreement [Doc. 43] until after it has received a presentence investigation report from the United States Probation Office. Defendant **SHALL** remain in custody pending his sentencing hearing.

So ordered.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE